

REMARKSI. The 35 U.S.C. §112 Rejections

Claims 1-4 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement with respect to the previously entered amendments to claim 1.

In the telephone interview with Examiners Santiago and Zimmerman on September 8, 2004, both Examiners were convinced that the first portion of the previously entered amendment “said warping being directly applied to at least one of said exterior voxels” was supported by the forward warping operations of equations (1) to (4) on pages 8 and 9 of the Specification. However, Examiner Zimmerman was unconvinced that the second portion of the previously entered amendment “and without resampling said three dimensional model” was supported by the Specification.

Although the Applicant respectfully disagrees with Examiner Zimmerman and reserves the right to pursue this element at a future time, the Applicant has deleted the second portion of the previously entered amendment, thus restoring the claim to its previous condition in this respect.¹

II. Claim Amendment

The Applicant has added a new element to claim 1: “applying a voxel coloring algorithm to said warped exterior voxels and said interior voxels.” During the telephone interview (on September 8, 2004), both Examiners agreed that this element is explicitly supported by (at least) the first paragraph on page 10 of the Specification² and that it

¹ Therefore, no estoppel should result in connection with this now-deleted amendment.

² “In principle, any standard voxel ‘coloring algorithm’ can be utilized with the voxel space defined by the present invention to determine the color to be assigned to each voxel. It should be noted that a clear

distinguishes claim 1 from the cited reference³ (which discloses a method that applies an inverse warping function and does not apply a coloring algorithm to both the interior and warped exterior voxels).


Based on the foregoing, Applicant respectfully submits that claims 1-4 are now in condition for allowance.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

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voxel is merely one that is assigned a 'clear' color." Specification, page 10, paragraph 1.

³ U.S. Patent Application Publication No. 2002/0075283 A1 by Payne.